

**ASSEMBLY BILL**

**No. 1255**

**Introduced by Assembly Member Calderon**

February 22, 2005

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An act to amend Section 510 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, as introduced, Calderon. Employee work hours.

Existing law provides that 8 hours of labor constitutes a day's work and that work in excess of 8 hours in one workday shall be compensated at the rate of no less than 1 ½ times the regular rate of pay for an employee.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 510 of the Labor Code is amended to  
2     read:  
3     510. (a) Eight hours of labor constitutes a day's work. Any  
4     work in excess of eight hours in one workday~~and~~, any work in  
5     excess of 40 hours in any one workweek, and the first eight hours  
6     worked on the seventh day of work in any one workweek, shall  
7     be compensated at the rate of no less than one and one-half times  
8     the regular rate of pay for an employee. Any work in excess of  
9     12 hours in one day shall be compensated at the rate of no less  
10    than twice the regular rate of pay for an employee. In addition,

1 any work in excess of eight hours on any seventh day of a  
2 workweek shall be compensated at the rate of no less than twice  
3 the regular rate of pay of an employee. Nothing in this section  
4 requires an employer to combine more than one rate of overtime  
5 compensation in order to calculate the amount to be paid to an  
6 employee for any hour of overtime work. The requirements of  
7 this section do not apply to the payment of overtime  
8 compensation to an employee working pursuant to any of the  
9 following:

10 (1) An alternative workweek schedule adopted pursuant to  
11 Section 511.

12 (2) An alternative workweek schedule adopted pursuant to a  
13 collective bargaining agreement pursuant to Section 514.

14 (3) An alternative workweek schedule to which this chapter is  
15 inapplicable pursuant to Section 554.

16 (b) Time spent commuting to and from the first place at which  
17 an employee's presence is required by the employer shall not be  
18 considered to be a part of a day's work, when the employee  
19 commutes in a vehicle that is owned, leased, or subsidized by the  
20 employer and is used for the purpose of ridesharing, as defined in  
21 Section 522 of the Vehicle Code.

22 (c) This section does not affect, change, or limit an employer's  
23 liability under the workers' compensation law.